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Donna Benham

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August 20, 2004 (signature)

(date of signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Michael G. Martin ) Group Art Unit: 2832  
 )  
Serial No. 10/693,119 ) Examiner: Lincoln D. Donovan  
 )  
Filed: October 24, 2003 ) Attorney Docket: 11461/4  
 ) (1-37208)  
For: APPARATUS FOR MAINTAINING )  
MAGNETS IN OPPOSING )  
RELATIONSHIP, AND SUPPORT )  
APPARATUS THAT UTILIZES SAME )

August 20, 2004

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

## **RESPONSE TO ELECTION REQUIREMENT**

Honorable Sir:

In response to the Office Action, Paper No./Mail Date 070804, dated July 22, 2004, applicant has carefully reviewed the Examiner's comments.

The Examiner indicated that the claims in the application are drawn to the following patentably distinct species of the claimed invention:

Embodiment 1: figures 1-3

Embodiment 2: figures 4-5

Embodiment 3: figures 6-8

Embodiment 4: figures 9-10

Embodiment 5: figures 11-12

Embodiment 6: figure 13; and

Embodiment 7: figure 14.

The Examiner has required applicant under 35 U.S.C. 121 to

"... elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, none of the claims are generic".

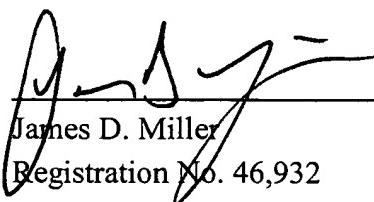
In accordance with the Examiner's requirement, applicant elects to prosecute Claims 1-7 drawn to an apparatus for maintaining magnets in an opposing relationship, and Figures 9-10.

Applicant's election is made without prejudice to introducing the non-elected claims in a later filed divisional application.

In view of the above election, applicant believes the application is now in condition for an action on the merits.

Favorable consideration of the application is respectfully requested.

Respectfully submitted,



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